



Agricultural Land Commission
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February 9, 2012

Reply to the attention of Lily Ford
ALC File 52466

Tim Dyer, Project Manager
BC Ministry of Transportation and Infrastructure
4th Floor, 310 Ward Street
Nelson, BC
V1L 5S4

Dear Mr. Dyer:

Re: Application for a Non-Farm Use (Transportation/Utility Corridor) in the Agricultural Land Reserve

Please find attached Minutes of Resolution # 26/2012 outlining the Commission's decision as it relates to the above noted application.

Yours truly,

PROVINCIAL AGRICULTURAL LAND COMMISSION

Per:


Richard Bullock, Chair

Enclosure: Minutes

cc: Regional District of East Kootenay

LF/52466d1



PROVINCIAL AGRICULTURAL LAND COMMISSION

Minutes of a meeting held by the Provincial Agricultural Land Commission (the "Commission") on February 9, 2012 at the offices of the Commission located at #133 – 4940 Canada Way, Burnaby, BC.

FOR CONSIDERATION

Application:

[Submitted pursuant to Section 6 of BC Regulation #171/2002 (ALR Use, Subdivision and Procedure Regulation)]

Application: 52466
Applicant: BC Ministry of Transportation
Agent: Tim Dyer, Project Manager
Proposal: Request to widen a right of way to allow replacement of the Little Sand Creek Bridge on Highway 3 at Jaffray. The proposed right of way addition includes an approximately 0.15 ha area within the ALR, with a maximum width of 20 m. An additional approximately 0.03 ha area with the ALR would be temporarily affected by construction activities.

Legal: Parcel 1 (Explanatory Plan 12052I) District Lot 4590 Kootenay District, Except Part in Plan 9449; and
Lot B District Lots 4590 and 6206 Kootenay District Plan 2272

Location: Jaffray, East Kootenay region

Background: The purpose of the proposal is to replace the 61 year old Little Sand Creek Bridge, which is at the end of its service life. The proposed upgrade includes safety shoulders, a left turn lane onto Jaffray Village Loop Road, and a 2 m wide barrier protected sidewalk for pedestrians. The agricultural capability ratings for the subject area are 6:4M-4:3X improvable to 6:3M-4:2X.

Attachment: Resolution #016N/2011

DELEGATION OF DECISION-MAKING TO THE CHIEF EXECUTIVE OFFICER (CEO)

On June 27, 2011 the Commission delegated decision-making to the CEO by Resolution #016N-2011 (File: 135-45/ALC/CEO/APPL). In accordance with section 27 of the *Agricultural Land Commission Act* the Commission has specified that the following applications may be decided by the CEO.

Criterion 4

Non-farm use applications made pursuant to section 6 of BC Regulation #171/2002 (ALR Use, Subdivision and Procedure Regulation);

DECISION:

After reviewing the entire file material, I, Richard Bullock, Chief Executive Officer of the Commission, am satisfied that the proposal is consistent with Criterion # 4 of Resolution #016N/2011 and approve the application on behalf of the Commission.

Approval is subject to the following conditions:

- Replacement of agricultural infrastructure, such as fencing and drainage systems, to the same or better standard upon completion of the project.
- Maintenance of temporary fences, farm accesses and other farm facilities during construction to minimize disruption to farm operations.
- Submission of a soil salvage plan, and a reclamation plan for areas of temporary disturbance, prepared by a professional agrologist.

This decision does not relieve the owner or occupier of the responsibility to comply with applicable Acts, regulations, bylaws of the local government, and decisions and orders of any person or body having jurisdiction over the land under an enactment.

RESOLUTION # 26/2012

I CERTIFY THAT THIS IS A TRUE RECORD OF THE DECISION


Richard Bullock, Chief Executive Officer